

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

UNITED STATES OF AMERICA,

vs.

**JOHN PATRICK PRICE,
a/k/a MOLLY PRICE,**

Defendant.

DOCKET NO. 1:17-CR-68-MOC-DLH

**UNOPPOSED MOTION TO SET
CONDITIONS OF RELEASE**

John Patrick “Molly” Price, by and through her counsel of record, First Assistant Federal Defender John Parke Davis, respectfully requests that this Court pursuant to 18 U.S.C. §§ 3142(f) and 3145(b) to set conditions of release and release Ms. Price on an unsecured bond as soon as reasonably practicable. As grounds therefore, it is averred:

1. The Government does not oppose granting of this motion.
2. Ms. Price was originally ordered detained following a detention hearing held on June 12, 2017. (Dtn. Order [Doc. 15] at p. 2). This detention was based on the risk of danger to the community, in part due to what the Court referred to as Ms. Price being in “questionable mental condition.” (Add. to Dtn. Order [Doc. 16] at p. 3). The Court did not find Ms. Price to be a flight risk. Id.
3. Since Ms. Price’s detention, she has been evaluated by a highly-qualified psychiatric expert, Dr. George R. Brown, who concluded that Ms. Price principally suffers from untreated Gender Dysphoria (“GD”). (Brown Report [Doc. 31-1] at pp. 9-11). Dr. Brown noted that Ms. Price was “not a danger to herself or others” at the time of his evaluation, though he noted a risk of future self-harm if Ms. Price’s GD continued untreated. Id. at 11. Dr. Brown principally

recommended treatment with cross-sex hormones (“CSH”), noted that among other effects, subjects who receive CSH commonly experience “reductions in anger and aggressivity while taking CSH.” Id. at p. 9.

4. Following Dr. Brown’s recommendations, Ms. Price underwent necessary testing and began CSH at the Buncombe County Jail on August 22, 2017. Ms. Price has received CSH for over a week and reports from jail medical providers note that she is doing well without negative side effects.

5. As noted in open court at docket call on August 7, 2017, Ms. Price and the government are pursuing a pretrial diversion resolution of this matter, which would anticipate Ms. Price being supervised on certain conditions. The parties have agreed in principal to the terms of this agreement, pending approval from the appropriate supervisory officials within the Department of Justice.

6. Ms. Price’s diagnosis and subsequent medical treatment constitute a substantial change in circumstances and have a material bearing on the Court’s ability to set conditions of release that will reasonably assure the safety of the community. See 18 U.S.C. § 3142(f).

7. Ms. Price has no criminal record, no history of violence, and the Government’s search of her house uncovered no drugs, weaponry or other indications of potential danger to the community. Ms. Price has a stable living place, and family support.

8. In addition to the standard conditions of release in this district, the following additional conditions of release would reasonably assure the safety of the community. These conditions are included on the standard Order Setting Conditions of release employed in this district, and the specific paragraphs of that Order are cited for reference.

a. Report to the United States Probation Office (“Probation”) as directed (¶ 8(a));

- b. Restrict travel to the Western District of North Carolina or as approved by Probation and have no contact with those involved in unlawful activity (§ 8(i));
- c. Avoid contact with potential witnesses (§ 8(j));
- d. Undergo appropriate medical or psychiatric treatment (§ 8(k));
- e. Refrain from possessing firearms or other weapons (§ 8(n));
- f. Refrain from excessive use of alcohol and from use of controlled substances except as prescribed (§§ 8(o-p));
- g. Submit to appropriate drug testing as directed (§ 8(q));
- h. Report any contact with law enforcement to Probation as soon as possible (§ 8(u)); and
- i. Submit to periodic warrantless searches (§ 8(w)).

WHEREFORE, the undersigned respectfully requests the Court revisit Ms. Price's detention and release Ms. Price on an unsecured bond with the above-cited conditions, as well as any other conditions the Court deems necessary and appropriate.

Respectfully submitted:

s/John Parke Davis
John Parke Davis
N.C. Bar No. 34427
Federal Public Defender
Western District of North Carolina
129 West Trade Street, Suite 300
Charlotte, NC 28202
(704) 374-0720
(704) 374-0722 Fax
jp_davis@fd.org
Attorney for John Patrick "Molly" Price

DATE: August 30, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served a copy of the attached **UNOPPOSED MOTION TO SET CONDITIONS OF RELEASE** via electronic filing upon:

Dan Bradley
U.S. Attorney's Office
227 West Trade Street, Suite 1700
Charlotte, NC 28202
704-344-6222
Fax: 704-344-6629
Email: daniel.bradley@usdoj.gov

s/John Parke Davis
John Parke Davis
N.C. Bar No. 34427
Federal Public Defender
Western District of North Carolina
129 West Trade Street, Suite 300
Charlotte, NC 28202
(704) 374-0720
(704) 374-0722 Fax
jp_davis@fd.org
Attorney for John Patrick "Molly" Price

DATE: August 30, 2017